

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

State of South Carolina,)	Civil Action No.: 4:17-cv-01555-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Harry Cordell Montgomery,)	
)	
Defendant.)	
_____)	

This matter is before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. *See* R & R [ECF No. 10]. The Magistrate Judge recommends that the Court remand this matter to state court. *Id.* at 7.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Plaintiff has not filed objections to the R & R, and the time for doing so has expired.¹ In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life &*

¹ Plaintiff's objections were due by August 14, 2017. *See* ECF Nos. 10 & 11.

Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note))).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts and incorporates by reference the R & R [ECF No. 10] of the Magistrate Judge. Accordingly, the Court **REMANDS** this matter to the Magistrate’s Court for Williamsburg County, South Carolina, located at 209 Short Street, Kingstree, South Carolina 29556.² The Court **DIRECTS** the Clerk to mail a certified copy of this Order and the R & R to the Williamsburg County Magistrate’s Court.

IT IS SO ORDERED.

Florence, South Carolina
August 16, 2017

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

² Consistent with the Magistrate Judge’s recommendation, this remand is without prejudice to Defendant’s right to respond to any filings in the Williamsburg County Magistrate’s Court. *See* R & R at 7.